

**City Council Work Session**  
**March 27, 2023**

The City Council of the City of Elizabeth City met in work session on Monday, March 27, 2023 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Kirk Rivers  
Councilman Johnson Biggs  
Councilman Joseph Peel  
Councilwoman Rose Whitehurst  
Councilman Jarvis Gibbs  
Mayor Pro Tem Kem Spence  
Councilwoman Katherine Felton  
Councilwoman Barbara Baxter  
Councilman Johnnie Walton

MEMBERS ABSENT: Councilman Joseph Peel

OTHERS PRESENT: City Manager Montre' Freeman  
City Attorney Bill Morgan  
Finance Director Alicia Steward  
Interim Chief of Police J. Phillip Webster  
Deputy Chief of Police James Avens  
Interim Electric Superintendent Bob Vannoy  
Human Resources Director Montique McClary  
Public Utilities Director Dwan Bell  
Parks and Recreation Director Sean Clark  
Grants Administrator Jon Hawley  
Interim Community Development Director Reggie Goodson  
Fire Chief Chris Carver  
ECDI Director Debbie Malenfant  
IT Director Matthew Simpson  
IT Systems Analyst Pedro Holley II  
City Clerk April Onley

Mayor Rivers called the Work Session to order at 5:30 p.m. The invocation was delivered by Councilwoman Whitehurst, after which Councilman Biggs led the Pledge of Allegiance.

**1. Agenda Adjustments and Approval:**

Mayor Rivers requested the Council's pleasure on the prepared agenda. He advised that the DMS presentation would be removed from the Work Session and heard on the Regular Session. He also asked if they could bring forward one of the evening's Closed Sessions – Consultation with City Attorney, and hear that during the Work Session, as they were likely to have some additional time.

**Motion to approve the agenda with the requested amendments was made by Mayor Pro Tem Kem Spence, seconded by Councilwoman Katherine Felton. Those voting in favor of the motion were: Biggs, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.**

**2. Committee Reports / Updates:**

**a. Community Development – (*Whitehurst, Felton, Walton*)**

**i. Update - DMS (*Removed During Agenda Adjustments*)**

**b. Finance Committee (*All*)**

Councilman Biggs said the audit seemed to be forthcoming in the next few days, hopefully. Once that was finished, they would have that presented formally. Mayor Rivers said he would be asking everyone for their schedule so they could set a meeting. If it was close to their next meeting, they'd just go ahead and have it presented during that meeting. Councilman Biggs said there was a budget amendment on the regular session for moving some money back and forth for ARPA. He asked about the availability of the manager and Finance Director to provide them with what had come out of that line item and what was left. He asked the manager if we'd issued a building permit for the hospital yet. Manager Freeman said yes, we had. Councilman Biggs said he'd like to add a discussion item on the next meeting to discuss moving some of that money to the general fund to replace the money spent on the electrical. Mayor Rivers asked if that info could please go out to the Council and then we'd place those items on the April 10<sup>th</sup> meeting schedule for discussion. Councilman Biggs said it should be a nice amount of money from the permit, so we could recoup some of the money we've spent on electrical. He knew it wasn't technically ARPA money anymore, but if we added it back, we could see where we were overall.

**c. Public Safety Committee (*Spence, Peel, Felton*)**

**d. Parks and Recreation Committee (*Gibbs, Baxter, Whitehurst*)**

**e. Public Utilities Committee (*Walton, Biggs, Spence*)**

**i. Discussion – Expansion of Garbage District**

ECDI Director Malenfant explained that in 2006, there was a need to make some decisions on how to handle garbage and trash in the downtown business district. Every business had a container and would put it on the curb for city pickup. It was not aesthetically pleasing and there wasn't enough room for the containers, so in 2007, the Council approved a downtown garbage district ordinance, which established a boundary from Fearing to Water to just north of Colonial to South McMorrine. A compactor was located downtown and all the businesses had to put their garbage in that compactor, which is picked up every two weeks. In the beginning, the County owned the compactor, but they no longer offer the service so it's contracted through a private service. In 2020, the district was expanded to cover the growth of restaurants. The residents in the Weatherly Apartments use the compactor as well. What is being proposed now is to expand the district to include MLK to Elizabeth, more of a square radius to accommodate new restaurants on Colonial, McMorrine and the growth of the residential district. When the district was first initiated in 2006, there were 11 restaurants and now there are 21 with two more about to be added. In 2006, there were 200 residential units and now there are 280, growing continuously and not including Betsy Town Flats. Before 2021, we did not really track the tonnage of trash picked up in the compactor. In 2022, there was 192.74 tons of garbage picked up from the compactor. In addition to expanding the boundaries there is a wish to locate an additional compactor in the parcel that is north of the backside of the Colonial Restaurant near Fitness Warehouse. The area in question is a large parcel owned by the City. For a number of years, the County has picked up commercial recycling across the city and they are wanting to do away with that commercial pickup because it is not feasible for them to continue that. They would like to partner with us on that now. The total anticipated cost for improvements would be about \$18,000 for site development and we're proposing the split that cost with the County.

Ms. Malenfant said she does not believe the ordinance has to be changed because it does not specifically state the boundaries. It states the rates and we're not proposing increases to the rates at this time. Mayor Rivers asked what we charge for residential pickup? Debbie said there's a difference between downtown and everywhere else. Downtown is less because they have to haul it to a separate location. She said if we anticipate the worst case scenario which is that the compactor at Weatherly is picked up twice a week, and the Poindexter compactor is picked up once a week, the total monthly cost with fees and everything would be about \$4,500 per month. The revenue based on current rates for each address within the district would be \$5,038. We'd have to work with

the Customer Service Department to make sure the proper codes were assigned to each account. She felt it would be better to raise the rates during the budget than it would be to do it mid-year. Councilman Biggs said it looked like we're picking up some multi-family in the last block of Church and MLK. Have we looked into that block much? He said he knew there were always garbage cans there and he'd hate to impact them and make them have to walk to move their trash if they were primarily residential. He felt maybe we should come down MLK and onto Fearing and maybe cut out the residential block. Ms. Malenfant agreed that the Church block could be excluded. She noted that they were open to suggestions, although the first block on Church Street was the Senior Center and a few businesses. The second block was a church, the jewelry store, beauty salon, etc. The church had their own compactor and didn't get picked up anyway. Mayor Rivers said most of Church Street would need to be excluded from what he was gathering. Ms. Malenfant noted that it would be mostly the inclusion of Church Street on the north side.

Councilman Walton pointed out that in his neighborhood, in apartments, they have a tendency to turn into blighted areas at certain times when the trashcans are waiting to be picked up. It creates an eyesore because they're overflowing. Director Bell said we did have an ordinance that spoke to when and how the trashcans should be put out and put away. Mayor Pro Tem Spence stated that we just needed to enforce it most likely. Mayor Rivers said he'd like the manager to have that info put on the electric bills. He stated that he felt most of Church Street was going to need to stay with the residential collection and keep curbside service. Councilman Biggs asked if we were moving the Poindexter and Fearing compactor? Ms. Malenfant said that we were not. Mayor Rivers asked if everyone in this district would receive this on their bill. Ms. Malenfant replied that they would, but she would likely have to sit with someone in Customer Service to make sure that each individual address was coded correctly. Mayor Rivers asked that the numbers to be brought back to the next meeting. Director Bell pointed out that those numbers were the ones Debbie was just discussing. Even if we go to bi-weekly, we will still break positive with the rates as they currently are, coming out ahead about \$1,000 to \$3,000, depending on the trash load, just for the downtown district. Manager Freeman noted they could go ahead and accept the recommendation and then have more info brought forward concerning rates.

Ms. Malenfant reminded the Council that it wasn't starting until July 1<sup>st</sup> so they'd have plenty of time to notify everyone. Mayor Rivers asked when we'd need the half of \$18,000 for construction. Director Bell told him likely as soon as possible. The biggest thing for his side was to know if he needed to budget for the drainage. Ms. Malenfant said they were looking for direction on whether they could expand the boundaries so they could notify customers and begin site work if there's feasible money in the budget. If there's not, they will wait until July 1<sup>st</sup> for site work. Councilman Walton said he was fine with moving it forward. Mayor Pro Tem Spence concurred. Mayor Rivers asked what the bill was for the compactor? Ms. Malenfant said last time it was about \$1,700, so she was expecting over \$10,000 total for the City's portion if we account for everything that's been discussed. Mayor Pro Tem Spence stated the Council could let them go ahead and then find the money somewhere. Councilman Biggs said there was probably \$9,500 somewhere they could put our hands on down the road. Councilman Gibbs stated that our finances are uncertain but he felt that we could find the \$10,000 like Councilman Biggs said. All the focus we put on downtown, common sense says they need another trashcan or will in the very near future. He pointed out that when you have growth, you have waste. He noted that this was the first time it's coming forward, so they haven't had a chance to look for the money, but they could surely find it. They needed to make it happen.

Councilwoman Whitehurst asked if there was positive cash flow under the current program. Director Malenfant said there was positive cash flow for downtown but she didn't know about across the city as a whole. Director Bell said that would be a finance question. Manager Freeman stated that if they made the move forward he was sure he could find the money. Mayor Pro Tem Spence said it was obvious that it needed to be done. He agreed it needed to go to the regular session. Councilman Walton said he felt it should be contingent on what the County does too. Mayor Rivers stated that based on what he's

heard now, it sounds like this item will be okay to go forward to the regular council meeting for a vote.

## **ii. Discussion – Potential Resolution for Harbor Town**

Manager Freeman advised this was a proposed resolution concerning Harbor Town and at their request. Councilman Biggs asked who approved what AR Chesson is doing now? He stated that he didn't remember this current Council saying they were okay with the modifications they were doing to our property. Mayor Rivers said that's part of what the resolution was for. Nothing has been tied down yet. They gave us a proposal of what they wanted to do. They're asking for the resolution of support to say we're okay with that. What they're doing so far is getting the waterfront prepped for the dinner boat and the high-speed ferry. The legislation was tied to when we did the transfer of the street from the state back to the City, but most things have been handled by Harbor Town. Councilman Biggs said it wasn't that he wasn't in favor, but it looked like there were some major capital improvements they wanted done and he wanted to make sure whatever modifications were being done that we're not modifying our property to the point that it's not useable for future use if something happens with the boats and they're in and out and gone. Mayor Rivers said some things just came up about pilings under the water, so they aren't going to be able to have the pump out and fuel where they originally planned to put it. They think they've identified a solution, but haven't brought it forward yet. Part of that is why we want to keep the resolution vague and just say we support their grant.

Manager Freeman said he'd had his whole team out there and involved for a few reasons, mostly to make sure that what they want to do works for us. We want to make good decisions moving forward. They wanted to put bathrooms at Waterfront Park, but their first ideas would not work. Councilman Biggs asked about the sidewalk they've drawn coming off of Riverside and College Park. He said he thought that was a bad idea because people drive far too fast for that and it would be dangerous. Manager Freeman said that was their original proposal and we turned that down for some of those very reasons he just stated. Councilman Biggs agreed this project would be beneficial, we just want to make sure that we do it the right way. Mayor Rivers reiterated that this is just a support letter. He let them know we weren't agreeing to their documents, just the project as a whole. Director Malenfant said staff had reviewed the documents and as a group, they're all in support of the project and agree that it will have significant benefit, but from this proposal, they do not agree with the sidewalk across the middle of the park because the boats will not be here all the time and they do not want to make changes that will affect every-day activities. They are in support of parking improvements, security cameras that connect with the Police Department, and the bathroom redesign and move. Staff compiled a summary document and asked that the Council approved the Harbor Town concept in theory and not the concept that was provided in the packet. As long as they come back to staff as a team and go through the process, it will be fine. Councilman Walton asked if they could see the contract when it was ready. Manager Freeman said he would make sure they saw it before it was completed. He said as excited as we are, we want to make sure it's extremely safe and everything is done the way it should be done. Mayor Rivers asked if they wanted to move this item to the regular agenda for consent. Mayor Pro Tem Spence stated that he'd like to move it forward, and Councilman Walton concurred. Mayor Rivers advised the official vote would take place on the regular meeting's agenda.

## **f. Planning Committee (*Peel, Walton, Biggs*)**

Manager Freeman said that on Wednesday, March 29<sup>th</sup> from 12:00 p.m. to 2:00 p.m. in the Senior Center, they would have a luncheon to introduce Interim Community Development Director Goodson to certain boards who had not yet met him, as well as some training on various boards related to Planning. Councilwoman Felton asked if there were any vacancies on the Planning Board. Director Goodson said he did not believe there were, but he would check and follow back up with her.

**g. Human Resources (*Felton, Gibbs, Whitehurst*)**

Councilwoman Whitehurst wanted to provide a brief update on the Human Relations Commission. She noted that the Human Relations Commission was meeting monthly and they are focused on homelessness in the city. They're trying to develop a homeless coalition in the city and are working with the homeless coalition in Raleigh.

**h. Public Affairs / IT (*Baxter, Peel, Gibbs*)**

**3. Closed Session – As Allowed by NCGS 143-318.11(a)(3) – Consultation with City Attorney** (*Added During Agenda Adjustments*)

**Motion was made by Mayor Pro Tem Kem Spence, seconded by Councilwoman Katherine Felton at 6:40 p.m. to enter Closed Session as allowed by NCGS 143-318.11(a)(3) for Consultation with City Attorney. Those voting in favor of the motion were: Biggs, Gibbs, Whitehurst, Spence, Felton, Baxter and Walton. Against: None. Motion carried.**

**4. Adjournment:**

The Council returned to open session at 6:59 p.m.

There being no further business to be discussed, Mayor Rivers adjourned the meeting at 7:00 p.m.

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E. Kirk Rivers  
Mayor

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April D. Onley  
City Clerk, NCCMC